

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30377 of 2014

Arising Out of PS.Case No. -284 Year- 2013 Thana -BIHTA District- PATNA

=====

Arun Kumar Son of Harinath Mahto Resident of village- Itwan, P.O.-
Doghra (Lai), P.S.- Bihta, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Arun Kumar Panday(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 11-02-2015

Heard learned counsels for the petitioner and

the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the Indian Penal Code. Subsequently Section 302 of the IPC was also added.

It is alleged that the petitioner assaulted with back portion of the Farsa on the head of the father of the informant and others assaulted with lathi. Subsequently the father of the informant succumbed to the injuries. The petitioner is in custody since 18.07.2013.

It is submitted by learned senior counsel for the petitioner that there is specific accusation that other accused persons also assaulted the father of the informant but only one

injury has been found during post-mortem which reflects that either the informant did not see the occurrence or has not stated the truth. It is further submitted that till date the charges have not been framed.

Perused the report of learned trial court dated 12.09.2014 at Flag 'A'. The report of learned trial court does not reflect that when final form (charge-sheet) was submitted, when the case was committed to the court of sessions and the specific steps taken for framing of charges or splitting the trial of accused in custody.

The tendency of the learned courts below to transmit report with explanation that they have recently joined is no answer to the query made by this Court. Once the records of the case are transferred to the court in seisin with the matter the concerned court is supposed to intimate the reason for delay in conduction of the trial particularly in view of the earlier order of this Court.

Considering the fact the post-mortem report does not corroborate the accusation, the period under custody and there is no likelihood of conclusion of trial in near future as the charges have not been framed as yet, let the above named petitioner, be released on bail on furnishing bail bonds of

Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-5, Danapur, Patna in connection with Sessions Trial No. 582 of 2014 arising out of Bihta P.S. Case No. 284 of 2013.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--